

# EXHIBIT K

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA

3 --oOo--  
4

5 ALEXANDRA RASEY-SMITH;  
6 GORDON GENE MACCANI; and  
7 JANET MACCANI,

8 Plaintiffs,

9 v.

Case No.  
2:24-cv-03265-PSG-SSC

10 CITY OF LOS ANGELES; CALEB  
11 GARCIA ALAMILLA; and DOES  
12 2-10, inclusive,

13 Defendants.  
14 \_\_\_\_\_/

15 STENOGRAPHIC REPORTER'S TRANSCRIPT OF  
16 VIDEO REMOTE DEPOSITION OF  
17 CALEB GARCIA ALAMILLA  
18 WEDNESDAY, NOVEMBER 5, 2025  
19  
20  
21

22 Reported Stenographically by:

23 KIMBERLY D'URSO, CSR 11372, RPR

24 Job No. 21080  
25

1 (Reporter clarification.)

2 BY MR. GALIPO:

3 Q. Once in a while there may be a glitch on your  
4 side or my side, so if I break up, just let me know, so  
5 I can repeat it. If you do, don't take it personally.  
6 The court reporter just has to take all your words down.  
7 Okay?

8 A. Understood.

9 Q. Did you have different field training officers  
10 during that time?

11 A. Yes.

12 Q. And did you have some instruction on tactics  
13 and use of force during field training?

14 A. I did.

15 Q. Was part of field training to become familiar  
16 with some of the LAPD written policies?

17 A. Yes.

18 Q. Did that include, for example, use of force  
19 policies?

20 A. Yes, it did.

21 Q. When, approximately, did you finish your field  
22 training?

23 A. I was not able to finish my field training.

24 Q. Okay. Did this incident that we're here to  
25 talk about happen during your field training?

1 A. It did.

2 Q. Do you recall the date of the incident?

3 A. I do.

4 Q. What was the date?

5 A. February 3rd of 2024.

6 Q. And can you remind me again when your field  
7 training started?

8 A. Approximately, a week after the academy ended,  
9 in end of August.

10 Q. How much longer did you have on your field  
11 training, if you recall?

12 A. Approximately, a day or two.

13 Q. You were almost to the end?

14 A. Yes.

15 Q. Is it approximately six months?

16 A. That is correct.

17 Q. So I'm thinking if you started at the end of  
18 August, would it go to like the end of February?

19 A. Roughly mid-February, I believe.

20 Q. At the time of this incident, did you have a  
21 field training officer?

22 A. I did, yes.

23 Q. Who was your field training officer?

24 A. Officer Chomuk.

25 Q. Can you spell that last name for the court

1 Q. Did you ever see any suspect with any weapon in  
2 their hands, other than a knife, during your field  
3 training?

4 A. Yes, I did.

5 Q. What other weapons? Can you give me some  
6 examples?

7 A. For example, a pole.

8 (Reporter clarification.)

9 BY MR. GALIPO:

10 Q. Anything else you can think of?

11 A. Not at this time, no.

12 Q. Were one of the commands you were trained to  
13 give, if you have time and you see a suspect with a  
14 weapon in their hand, to drop it or put it down?

15 A. Yes.

16 Q. In terms of your training on commands, were you  
17 trained to try to give commands in a clear voice, if you  
18 can?

19 A. Yes.

20 Q. Were you trained to give the individual an  
21 opportunity to comply with your commands, if feasible?

22 A. If time permitted, yes.

23 Q. Were you trained on the concept of  
24 de-escalation?

25 A. Yes, I was.

1 Q. You fired one shot in this incident; is that  
2 correct?

3 A. Correct. Yes.

4 Q. What type of weapon did you fire the shot from?

5 A. From a handgun.

6 Q. Do you know was it a 9-millimeter or something  
7 else?

8 A. It was a 9-millimeter.

9 Q. Did you give any specific command to the person  
10 you shot before you fired?

11 A. I did not personally.

12 Q. Did you give any verbal warning that you were  
13 going to shoot?

14 A. No.

15 Q. What would you estimate your distance to be  
16 from the person that you shot when you fired?

17 A. Approximately, 6 feet.

18 Q. What part of the person's body was exposed to  
19 you at the time you fired your shot?

20 A. His chest area.

21 Q. Was he directly facing you, or was one of the  
22 sides more to you?

23 A. More one of the side towards me.

24 Q. What side was more towards you?

25 A. The right -- his right side of his body.

1 Q. When you fired, were you essentially aiming  
2 center mass?

3 A. Yes. I was.

4 Q. Were you aware, based on your training, that  
5 shooting someone center mass was likely to cause serious  
6 injury or possibly death?

7 A. We're trained that whenever you shoot that that  
8 is a potential that can happen, yes.

9 Q. Did you have any other less-lethal weapons on  
10 your belt; for example, a Taser, OC spray, a baton?

11 A. I did, yes.

12 Q. All three?

13 A. Yes.

14 Q. Had you ever used your baton in the field  
15 before this incident?

16 A. No.

17 Q. Had you ever used a Taser in the field before  
18 this incident?

19 A. No.

20 Q. Had you ever used pepper spray in the field  
21 before this incident?

22 A. No.

23 Q. And I'm assuming you never fired -- you never  
24 used deadly force before this incident; is that correct?

25 A. Correct.

1 Q. You indicated that you were not able to  
2 complete field training after this incident; is that  
3 correct?

4 A. That is correct.

5 Q. Do you still work for the LAPD?

6 A. I do not, no. No.

7 Q. Are you currently employed?

8 A. Yes.

9 Q. Who do you work for?

10 A. The Freeway Service Patrol.

11 Q. Do you have an understanding as to why you were  
12 unable to continue on as an LAPD officer?

13 MS. COLEMAN: Vague.

14 You can answer, if you know.

15 (Reporter clarification.)

16 THE WITNESS: I believe it was due to the  
17 background and foreground of my shooting.

18 BY MR. GALIPO:

19 Q. Do you know if you struck the person you were  
20 shooting at?

21 A. I did.

22 Q. And were you aware that he had died before you  
23 gave your statement?

24 A. Which "statement"?

25 Q. I'm sorry. The interview to FID.



1 A. I did know at that point, yes.

2 Q. Were you aware before you gave your statement  
3 to FID that the object the individual had in his hand  
4 was a plastic fork?

5 A. I had an idea.

6 Q. And how did you have that "idea"?

7 A. Before I left the location where the shooting  
8 occurred, I saw on the -- well, I observed on the floor  
9 there was a plastic fork. And I just speculated it was  
10 white, that must have been what I saw initially in the  
11 suspect's hands that was clenched when he was charging  
12 at officers.

13 MR. GALIPO: Okay. I'm going to show you  
14 Exhibit 1. Leslie De Leon is a legal assistant from my  
15 office and she's going to assist, I think, in just  
16 putting up a few exhibits for us on share screen.

17 (Exhibit Number 1 was marked.)

18 BY MR. GALIPO:

19 Q. Are you able to see that on your screen?

20 A. No.

21 Q. You can't see it at all, or it's too small?

22 A. I don't see anything on the screen.

23 Q. Okay.

24 A. Okay. I see it now.

25 Q. Oh, you do?

1 A. I do.

2 Q. Okay. Does that look to be the plastic fork  
3 that you saw before you left the scene?

4 A. Yes.

5 Q. And you mentioned it was white in color?

6 A. Correct.

7 Q. And I take it the object that you saw in his  
8 hand was also white?

9 A. The object was white in color, yes.

10 Q. So just putting two and two together, before  
11 you left the scene, you were thinking that he possibly  
12 was holding that white plastic fork?

13 A. That's where I speculated that was what had  
14 occurred.

15 Q. Okay.

16 MR. GALIPO: Thank you, Leslie. You can take  
17 that down.

18 BY MR. GALIPO:

19 Q. So let's talk a little bit about the incident.  
20 At some point, you hear a call that's related to the  
21 incident; is that correct?

22 A. Yes.

23 Q. And when you heard the call, were you in a  
24 patrol call or somewhere else, if you remember?

25 A. In a patrol car.

1 Q. Do you recall who was driving the car?

2 A. Yes.

3 Q. Who was?

4 A. I was.

5 Q. And was your training officer a front seat  
6 passenger?

7 A. Correct.

8 Q. So your training officer would have been  
9 monitoring the mobile digital unit in the car, the  
10 computer?

11 A. Yes.

12 Q. And you would have been more listening to the  
13 radio dispatches; is that fair?

14 A. Yes.

15 Q. Have you listened to the radio dispatches  
16 recently, the recordings, in preparation for the  
17 deposition?

18 A. Not in preparation, no.

19 Q. Had you ever heard them previously?

20 A. As in the call that the person reporting made,  
21 or as in the call that dispatch gave to police officers?

22 Q. The call that dispatch gave to police officers.

23 A. Yes, I have.

24 Q. Okay. I take it you didn't hear the call from  
25 the reporting party. You would have heard what the

1 dispatcher communicated?

2 A. Right. Correct.

3 Q. And what do you recall as far as the  
4 information that was communicated by the dispatcher?

5 A. That there was another unit requesting a backup  
6 for a male or ADW suspect, assault with a deadly weapon,  
7 and he was holding a stick, threatening people.

8 Q. Okay. And other information you recall, such  
9 as the description of the suspect?

10 A. Description was a male, White, approximately 6  
11 foot. That's what I recall from that.

12 Q. Do you recall if there was any clothing  
13 description?

14 A. No, I don't.

15 Q. Was there any age, for example, that was given?

16 A. There was, but I don't remember what was put  
17 out at that time.

18 Q. Do you recall if there was any height or weight  
19 or identifying features communicated?

20 A. Yes. The 6-foot male, White, would be a good  
21 description.

22 Q. Well, you would agree there's a lot of male  
23 Whites that might be around that height?

24 A. I agree, yes.

25 Q. Okay. I just didn't know, for example,

1 sometimes the person's wearing a particular color outfit  
2 or a hat or specific tattoos or something more.

3 Do you recall anything more specifically being  
4 communicated?

5 A. No, I don't.

6 Q. And then you were -- it was communicated that  
7 he had a stick?

8 A. Right.

9 Q. Any other information you can recall having  
10 before getting to the scene, other than what you have  
11 told me?

12 A. No.

13 Q. Did you know the name of the individual?

14 A. Before the call, no.

15 Q. Did you know if the person had any criminal  
16 history at all?

17 A. That would not be something I could determine  
18 before -- beforehand.

19 Q. Did you have any information that anyone had  
20 been injured specifically before you got to the scene?

21 A. There was none, no.

22 Q. I'm assuming you had some information as to the  
23 location?

24 A. Yes.

25 Q. And what was the location, generally?

1 Q. You did lose me?

2 A. I did.

3 Q. Okay. Were there some female officers on  
4 scene?

5 A. There was, yes.

6 Q. And the two officers that you named, were  
7 either or both of those female?

8 A. They were.

9 Q. Both female?

10 A. Correct.

11 Q. Okay. You understood they were the primary  
12 officers?

13 A. I understood after the fact, not at the time.

14 Q. Did you, yourself, hear any of the conversation  
15 with the reporting party?

16 A. Yes, I did.

17 Q. How far were you from where the reporting party  
18 was speaking?

19 A. Maybe anywhere 6 to 10 feet.

20 Q. What, if anything, did you overhear?

21 A. I understood that there wasn't much of a crime  
22 for the assault with a deadly weapon. And ultimately,  
23 that it would be -- if we arrested, it would just be for  
24 a trespass.

25 Q. And -- sorry. Go ahead.

1 A. They -- they wanted that trespass -- they  
2 wanted him trespassed. So at that point, we decided --  
3 they decided that a private person's arrest was going to  
4 be filled out.

5 Q. When you say there "wasn't much information or  
6 evidence of assault with a deadly weapon crime," what  
7 did you hear that led you to that belief?

8 A. They didn't give the elements. They didn't  
9 clearly define that he had actually assaulted them with  
10 what they -- what was on the radio call. So at that  
11 point, it just changes to: What's the crime that we can  
12 find -- determine that's occurred? And it wasn't -- it  
13 didn't meet the elements at the time.

14 Q. Okay. So it sounded to you, based on the  
15 information you had, that it was a possible trespass?

16 A. After speaking with the PR, yes, after  
17 overhearing the conversation.

18 Q. And is it your understanding that is a  
19 misdemeanor?

20 A. Correct.

21 Q. And is that why you had to go through this  
22 citizen arrest procedure, potentially?

23 A. Yes.

24 Q. And is that why they were asked whether they  
25 wanted to press charges on that crime?

1 A. Correct.

2 Q. Any other information you recall hearing from  
3 the reporting parties, other than what you've already  
4 told me?

5 A. They gave a description of what he was wearing.

6 Q. What do you recall about that description?

7 A. Mainly blue pants. Again, male, White,  
8 approximately 6-foot tall, with a red beanie.

9 Q. Okay. And you, at some point, learned it was  
10 on the 4th Floor?

11 A. Yes, we did.

12 Q. Do you have an estimate as to how many officers  
13 were there during this time frame you were overhearing  
14 some of the comments from the reporting party that you  
15 saw?

16 A. Including myself, I believe it was nine  
17 officers in total.

18 Q. And at some point, was it decided that you were  
19 going to go up to the 4th Floor to try to make contact?

20 A. Yes.

21 Q. And can you tell me a little bit about the  
22 tactical discussion before going to the 4th Floor? Who  
23 was primarily talking, and what was the basic plan, as  
24 you understood it?

25 MS. COLEMAN: Objection. Compound. Calls for



1 a narrative.

2 But you can answer.

3 MR. FORD: Join.

4 THE WITNESS: I understood that the designated  
5 cover officer, which is the lethal, he was -- I don't  
6 remember his name either. But Sergeant Punzalan would be  
7 more the -- he kind of assigned the roles for everyone.  
8 My P3 or FTO, he was one of the less lethal. And then  
9 one of the other female officers, she was the bean bag  
10 shotgun. And I was the arresting with another male  
11 officer.

12 BY MR. GALIPO:

13 Q. How many officers altogether went up to the 4th  
14 Floor, initially?

15 A. Seven. I'm going to say approximately seven.

16 Q. Okay. So I'm just trying to -- I'm going to go  
17 through with you basically the different individuals --  
18 I realize some of their names you remember and some you  
19 don't, and that's fine -- and what their roles were --

20 A. Okay.

21 Q. -- as you understood it.

22 Was one of them the sergeant?

23 A. Yes.

24 Q. And were there some, as you understood it, that  
25 you were assigned lethal?

1 A. Yes.

2 Q. And if you know, was one person or more than  
3 one person assigned to be lethal cover?

4 A. Two. Two officers.

5 Q. Okay. Do you know the names of either one of  
6 those officers or whether they were male or female?

7 A. Yes. One male, one female.

8 Q. Okay. Who was the male officer assigned  
9 lethal?

10 A. My apologies. I misunderstood the question.

11 Q. Oh.

12 A. I believe --

13 Q. That's okay.

14 A. Uh-huh.

15 Q. Go ahead and explain.

16 A. The lethal officer was the one in the very  
17 front of the team that was going in to take the suspect  
18 into custody.

19 Q. Okay. And who was that person?

20 A. I don't remember his name.

21 Q. But it was a male?

22 A. Correct.

23 Q. And you -- and I know sometimes they refer to  
24 it as a "stick," in other words, he was towards the  
25 front. Am I getting that; correct?

1 A. Yes.

2 Q. And you understood that the -- this male person  
3 at the front was assigned lethal cover?

4 A. Correct.

5 Q. And your understanding of that, based on your  
6 training, is that if lethal force is necessary, that  
7 person is designated lethal?

8 A. If the -- if the situation arises, yes.

9 Q. And then were some officers designated less  
10 lethal, if you know?

11 A. Yes.

12 Q. And I think you've told me this to some extent.  
13 Was one officer assigned the bean bag shotgun?

14 A. Yes.

15 Q. Who was that, if you know?

16 A. I believe her name is Desiree.

17 Q. And was an officer assigned for the  
18 40-millimeter, if you know?

19 A. Yes. My P3.

20 Q. Your training officer?

21 A. Right.

22 Q. Did you know anyone -- any other officers that  
23 were assigned less lethal or lethal, other than what you  
24 have told me so far?

25 A. No.

1 Q. Do you know, for example, if anyone was  
2 designated to be assigned to the Taser?

3 A. No, nobody was assigned.

4 Q. And you were assigned to the arrest team or the  
5 hands-on team; is that correct?

6 A. Yes.

7 Q. And you would have been more towards the back  
8 of the line as you were proceeding forward on the 4th  
9 Floor?

10 A. Correct.

11 Q. Who else was assigned to the arrest team with  
12 you?

13 A. I believe his name is Gabriel.

14 Q. To your knowledge, did all of the officers that  
15 were approaching on the 7th [sic] Floor, including  
16 yourself, have firearms on them?

17 A. Yes.

18 Q. Not necessarily out, but at least in their  
19 holsters?

20 A. Yes.

21 Q. And to your knowledge, did some of the officers  
22 also have Tasers?

23 A. Some. Yes.

24 Q. And you did have a Taser?

25 A. I did.

1 Q. Okay. Do you recall in your -- strike that.

2 Do you recall giving an estimate in this matter  
3 that you were about 8 feet from the suspect when you  
4 fired your shot?

5 A. Yes.

6 Q. And do you recall having training that 8 feet  
7 is within the trained distance that a Taser can be used  
8 in the probe mode?

9 MS. COLEMAN: Assumes facts. May call for  
10 speculation.

11 You can answer, if you know.

12 THE WITNESS: I -- I don't recall. Like I  
13 said, I'd have to look at some documents to give you a  
14 better ans- -- a good answer.

15 BY MR. GALIPO:

16 Q. Okay. Did you have -- and this is prior to  
17 going to the 4th Floor. Did you have any information  
18 from any source that the suspect had a gun?

19 A. There was none.

20 Q. Did you have any information from any source  
21 prior to going to the 4th Floor that the suspect had a  
22 knife?

23 A. No.

24 Q. Did you have any information from any source as  
25 to whether the suspect was homeless or not, before going

1 A. I am, yes.

2 Q. Do you recognize this just by looking at the  
3 clothing as the individual that you shot?

4 A. That's him, yes.

5 Q. And you can see, at least in this image, him  
6 with his back towards the camera?

7 A. At this time in the incident, yes.

8 Q. And his hands up?

9 A. Right.

10 Q. Did you actually see this, though -- did you  
11 see this individual in this position, or when you first  
12 saw him, was it sometime after this?

13 A. It was slightly after this.

14 Q. Okay.

15 A. But pretty close to the same image that I saw.

16 Q. What we're looking at here in Exhibit 2?

17 A. Yes.

18 Q. Did you see any knife in his hands or any  
19 object in his hands when he had his back to you with his  
20 hands up?

21 A. No, not at that time.

22 Q. Did you hear any other officer reference that  
23 he had a knife?

24 A. I didn't hear that, no.

25 Q. Did you hear any other officers say, "Drop it,"

1 or words to that effect?

2 A. No.

3 MR. GALIPO: And then could we look at Exhibit  
4 3, please.

5 (Exhibit Number 3 was marked.)

6 BY MR. GALIPO:

7 Q. Are you able to see this on your screen?

8 A. Yes.

9 Q. At some point, did he turn in the direction of  
10 the officers with his hands up?

11 A. I don't understand.

12 Q. Did you see him at some point facing the  
13 officers with his hands up?

14 A. No.

15 Q. So this image we're looking at, Exhibit 3, you  
16 don't recall seeing him in this position; is that what  
17 you're saying?

18 A. I can't remember.

19 MR. GALIPO: Can you we look at Exhibit 4,  
20 please.

21 (Exhibit Number 4 was marked.)

22 BY MR. GALIPO:

23 Q. Do you recall him at some point walking or  
24 moving in the direction of the officers?

25 A. I do.

1 Q. And in looking at Exhibit 4, were you observing  
2 him when he was approaching the officers?

3 A. I was, yes.

4 Q. As he was approaching the officers, did any of  
5 the officers indicate or say that he had a knife?

6 A. No.

7 Q. Did any of the officers tell him to "Drop it,"  
8 or words to that effect?

9 A. No.

10 Q. At some point, did you hear less lethal being  
11 deployed?

12 A. I did.

13 Q. And what less lethal did you hear being  
14 deployed?

15 A. The 40-millimeter.

16 Q. How could you tell it was a 40-millimeter  
17 instead of a bean bag round or lethal round?

18 A. Well, that's -- now after reviewing everything,  
19 I know that it was the 40-millimeter.

20 Q. Did you know it was the 40-millimeter at the  
21 time?

22 A. Yes.

23 Q. And how did you know that?

24 A. I saw my field training officer step out to the  
25 side and he fired one round.



1 Q. Do you have an understanding as to who fired  
2 those now?

3 A. Yes, I do.

4 Q. What is your understanding?

5 A. I understand Officer Desiree fired two bean bag  
6 shots at the suspect.

7 Q. Did you hear something being fired after that  
8 initial 40-millimeter, before you fired?

9 A. I did, yes.

10 Q. And did you hear -- with what you heard, was  
11 that consistent with bean bag rounds, in your mind?

12 A. It's very difficult to determine what loud bang  
13 is -- belongs to what firearm or what less-lethal  
14 munition.

15 Q. Okay. But is it fair to say you knew that  
16 there was a 40-millimeter and a bean bag round; you knew  
17 those assignments existed?

18 A. Correct.

19 Q. And in what you heard, did they at least sound  
20 like less lethal to you?

21 A. Like I said, it's difficult to -- to say.

22 Q. Did you think that lethal rounds were being  
23 fired?

24 A. I -- I know it was a possibility.

25 Q. Do you know where the person that was firing

1 bean bag rounds was in relation to you?

2 A. I did not, no.

3 Q. And how far was Mr. Maccani from you when you  
4 heard the bean bag rounds?

5 A. I'm not -- a best estimate would be 10 feet.

6 Q. Did you ever hear Mr. Maccani verbally threaten  
7 to harm anyone?

8 A. Not a verbal threat, no.

9 Q. Did you hear Mr. Maccani use any profanity?

10 A. I did not, no.

11 Q. Up to the time you heard the less lethal being  
12 fired at Mr. Maccani, did you hear anyone say he had a  
13 knife?

14 A. I did not hear that, no.

15 Q. Did you ever yell out, "He has a knife"?

16 A. I did not.

17 Q. Did you hear anyone say, "Drop it" at any time  
18 prior to the less lethal being fired?

19 A. No, I didn't.

20 Q. Could you tell or did you have an impression as  
21 to whether the bean bag rounds struck Mr. Maccani?

22 A. No, I wasn't sure.

23 MR. GALIPO: Okay. We've been going about  
24 slightly over an hour. Is this a good time for everyone  
25 to take a ten-minute break?

1 MS. COLEMAN: Sure.

2 THE VIDEOGRAPHER: Okay. Going off record at  
3 11:06 a.m.

4 (Break taken.)

5 THE VIDEOGRAPHER: We're back on record at  
6 11:22 a.m.

7 BY MR. GALIPO:

8 Q. Okay. So I think I asked you this, but when --  
9 before you went to the 4th Floor when you were  
10 overhearing some of the PR's comments, did they ever  
11 mention that the suspect had any weapons?

12 MS. COLEMAN: Objection. Do you mean the "PR"  
13 or the "RP"?

14 MR. GALIPO: Oh, the RP. I sometimes call it  
15 the "person reporting," the "reporting party." I'm good  
16 either way.

17 BY MR. GALIPO:

18 Q. What do you refer to the person as? The PR or  
19 the RP?

20 A. The PR.

21 Q. Okay. So we'll stick with PR.

22 MR. GALIPO: I get mixed sometimes, Susan.

23 BY MR. GALIPO:

24 Q. But the PR, when you overheard some of the  
25 comments from the PR, did you ever hear the PR say that

1 the individual had a weapon of any kind?

2 A. No. They kind tip-toed around the question.

3 Q. Okay. So -- okay. So we're back to where we  
4 were. It sounds like -- well, let me verify.

5 When you first saw the individual, Mr. Maccani,  
6 was he stationary or moving?

7 A. Stationary.

8 Q. Was he facing you, or did he have his back  
9 towards you?

10 A. His back was initially towards me.

11 Q. Did you see him at some point with his back  
12 towards you with his hands up?

13 A. When I first saw him, yes.

14 Q. And what would you estimate your distance to be  
15 from him at that time?

16 A. Approximately, 12 feet.

17 Q. What were the lighting conditions like in that  
18 hallway?

19 A. They were well-lit.

20 Q. And I take it, given your age, to your  
21 knowledge, you have pretty good eyesight.

22 A. I do.

23 Q. Did you ever see Mr. Maccani at the time  
24 wearing a red hat?

25 A. I did, yes.

1 A. Just one.

2 Q. And which hand did you see over his head?

3 A. The one holding the -- what looked like to be a  
4 knife, the right hand.

5 Q. It was the right hand?

6 A. Yes.

7 Q. And how -- did you see the right hand over  
8 Mr. Maccani's head before or after you heard the  
9 40-millimeter deployed?

10 A. It was after.

11 Q. And did you see Mr. Maccani's right hand over  
12 his head before or after you heard the bean bag rounds  
13 being deployed?

14 A. In between.

15 Q. In between the two bean bag rounds, or in  
16 between the 40-millimeter and the bean bag rounds?

17 A. In between the 40 and the bean bag.

18 Q. How far were you from Mr. Maccani when you saw  
19 his right hand over his head?

20 A. Approximately, 6 feet.

21 Q. How much time would you estimate passed from  
22 you hearing the last bean bag round to you firing your  
23 shot?

24 A. Approximately, a second or two.

25 Q. This item or object you saw --

1 MR. GALIPO: Thank you. We can take that down,  
2 please.

3 BY MR. GALIPO:

4 Q. This item or object that you saw in  
5 Mr. Maccani's right hand, what color was it?

6 A. White.

7 Q. Had how much of it could you see?

8 A. I would estimate 2 to 3 inches.

9 Q. Did you ever see any steel color or metal  
10 color?

11 A. No.

12 Q. Did you ever see a sharp point to this object?

13 A. The entire object itself appeared to be a  
14 pointed, sharp-edged object.

15 Q. Did you actually see a sharp point at the end  
16 of the object?

17 A. As in --

18 Q. You know -- like, for example, you know how a  
19 knife sometimes at the end has a sharp point at the end?

20 A. Right. Right. That was not something that was  
21 easily determined with so many moving parts. People --  
22 officers moving. The suspect himself, his actions.  
23 He's moving. It's very difficult to determine whether  
24 or not a small, 2-inch object was pointed or not.

25 Q. Okay. So is it fair to say that you could not

1 tell one way or the other whether it was pointed?

2 A. I could tell it was edged.

3 Q. What do you mean by that?

4 A. That there was edges to it, giving me reason to  
5 believe that it was a sharp object, whether or not there  
6 was a point to it.

7 Q. Okay. Let me just try to explore this a little  
8 bit so I'm understanding.

9 You're saying you don't recall seeing an actual  
10 point to it. Is that part correct?

11 A. What I'm saying is that it's not easy to  
12 determine that. From what I remember, it looked like a  
13 knife.

14 Q. I'm just wondering whether you remember seeing  
15 a point to it at the end?

16 MS. COLEMAN: Asked and answered.

17 MR. GALIPO: You may answer.

18 THE WITNESS: I don't remember.

19 BY MR. GALIPO:

20 Q. And are you saying that you saw 2 inches of it  
21 or 2 or 3, or what's your best estimate?

22 A. Approximately, 2 to 3.

23 Q. I might have asked this. If I did, I  
24 apologize. But did it appear to you that Mr. Maccani  
25 was struck by the bean bag rounds?

1 MR. FORD: Misstates testimony. Join.

2 BY MR. GALIPO:

3 Q. You may answer.

4 A. I never -- I didn't think that.

5 Q. You didn't think what?

6 A. To answer your question, I didn't think that he  
7 was going to kill someone without a knife. I didn't --  
8 that's not something I thought about.

9 Q. So when you fired your shot, your  
10 understanding, there was how many officers there  
11 altogether? Would it be seven, including you?

12 A. Right. Yes.

13 Q. And to your knowledge, are you the only one  
14 that used deadly force?

15 A. Yes.

16 Q. And I think you've already told me this, but  
17 you didn't give any commands or any verbal warning? Is  
18 that accurate?

19 MS. COLEMAN: Asked and answered. Vague as to  
20 time.

21 (Simultaneous speakers.)

22 (Reporter clarification.)

23 THE WITNESS: Could you ask the question again?

24 BY MR. GALIPO:

25 Q. Sure. At any time before you shot, did you



1 different objects, for example, distinguishing objects  
2 in people's hands from handguns, for example?

3 A. We were trained to determine if a suspect had  
4 things -- weapons in their hands, yes.

5 Q. Like, for example, were you taught that you  
6 know, sometimes people carry car keys or cell phones in  
7 their hands, and you need to be careful to distinguish  
8 those from handguns?

9 A. Yes.

10 Q. Were you taught that sometimes people have  
11 other items in their hands, other than knives, for  
12 example?

13 A. Yes.

14 Q. And were you trained to try to distinguish  
15 other items from actual weapons?

16 MS. COLEMAN: Asked and answered.

17 THE WITNESS: Yes.

18 BY MR. GALIPO:

19 Q. When you saw Mr. Maccani, did you think he was  
20 potentially homeless?

21 A. Yes.

22 Q. Did you think he was a transient?

23 MS. COLEMAN: Objection. Vague and relevance.

24 MR. GALIPO: You may answer.

25 THE WITNESS: It would be difficult to

1 determine where he resides. Overall, though, it appeared  
2 he was unhoused.

3 BY MR. GALIPO:

4 Q. Did you form the impression that he might have  
5 a mental illness?

6 A. I couldn't know that, no.

7 Q. Do you know now that your bullet also struck  
8 another officer?

9 A. I do.

10 Q. And do you know where you struck that other  
11 officer, what part of his body?

12 A. Yes, I do.

13 Q. Who was the officer again that you struck?

14 A. Sergeant Punzalan.

15 Q. And what part of his body did you strike?

16 A. He was struck in the webbing between his index  
17 finger and his thumb.

18 Q. Do you know if that was from the right hand or  
19 the left hand?

20 A. His right hand. He sustained a graze from the  
21 bullet.

22 Q. When you fired your shot at Mr. Maccani, did  
23 you have the impression you struck him?

24 A. I did.

25 Q. And what did you observe that gave you that

1 strike that.

2 Did Officer Desiree fire some bean bag rounds,  
3 if you know?

4 A. Yes.

5 Q. And those were the two rounds you spoke about  
6 earlier?

7 A. Correct.

8 Q. And I think you indicated that you fired  
9 about -- was it one or two seconds after the bean bag  
10 rounds?

11 A. Yes.

12 Q. So this attack on Officer Desiree, would it be  
13 occurring before or after or during her bean bag rounds?

14 A. It would be after.

15 Q. After her two bean bag rounds?

16 A. Yes.

17 MR. GALIPO: Can we look at Exhibit 13, please.

18 (Exhibit Number 13 was marked.)

19 BY MR. GALIPO:

20 Q. Can you see this on your screen?

21 A. I can, yes.

22 Q. And are you able to see Officer Desiree in this  
23 image?

24 A. Yes.

25 Q. And is she the one that's pointing the bean bag

1 shotgun in the direction of Mr. Maccani?

2 A. She is.

3 Q. And then is this the sergeant that we see here?

4 A. Yes.

5 Q. And Mr. Maccani?

6 A. Correct.

7 Q. And you believe this would be after you shot  
8 him?

9 A. This is after, yes.

10 Q. Other than the wound to the sergeant's hand  
11 from your gunshot, did you see any visible injuries on  
12 any of the other officers?

13 A. No.

14 MR. GALIPO: Can we look at Exhibit 14, please.

15 (Exhibit Number 14 was marked.)

16 BY MR. GALIPO:

17 Q. Are you able to see this on your screen?

18 A. I am.

19 Q. And this again is the sergeant and Mr. Maccani  
20 after you fired the shot?

21 A. Correct.

22 MR. GALIPO: Exhibit 15, please.

23 (Exhibit Number 15 was marked.)

24 BY MR. GALIPO:

25 Q. At some point, was Mr. Maccani put up against a

1 MR. GALIPO: And then Exhibit 17, please.

2 (Exhibit Number 17 was marked.)

3 BY MR. GALIPO:

4 Q. Again, this shows another image of the sergeant  
5 holding Mr. Maccani against the wall after Mr. Maccani  
6 was shot?

7 A. Yes.

8 MR. GALIPO: And finally, Exhibit 18, please.

9 (Exhibit Number 18 was marked.)

10 BY MR. GALIPO:

11 Q. And this would have been after Mr. Maccani was  
12 taken to the ground?

13 A. Right.

14 Q. Was he handcuffed, if you know?

15 A. During this, at some point he was handcuffed.

16 Q. Do you know who handcuffed him?

17 A. I believe it was Officer Jauregui.

18 MR. GALIPO: We can take that down. Okay.

19 Could we possibly, Leslie, put Exhibit 1 back  
20 up?

21 BY MR. GALIPO:

22 Q. Are you able to see this on your screen?

23 A. I am.

24 Q. When did you see the white plastic fork after  
25 the shooting?

1 A. Right before I left the scene.

2 Q. And you indicated that you saw a portion of  
3 this item in Mr. Maccani's right hand?

4 A. Right.

5 Q. What portion, just looking at it, do you think  
6 was sticking out of his right hand? Because you  
7 mentioned, I think, 2 or 3 inches.

8 A. Right. The -- the handle portion was sticking  
9 out. That was the visible portion of it.

10 Q. Okay. So as we're looking at this photograph,  
11 it would be the portion on the left side?

12 A. Yes.

13 Q. How long did you stay at the scene after the  
14 shooting, on the 4th Floor?

15 A. I -- I don't have a good recollection of that.

16 Q. Okay.

17 MR. GALIPO: We can take that down, Leslie.  
18 Thank you.

19 BY MR. GALIPO:

20 Q. You obviously saw blood on Mr. Maccani at some  
21 point?

22 A. Yes, I did.

23 Q. Initially, you thought it may be his arm, but  
24 at some point, you realized it was his chest?

25 A. Right.

1 MR. GALIPO: Some point after the shooting.

2 THE WITNESS: Something to the effect, yes.

3 BY MR. GALIPO:

4 Q. Did you ever -- could you ever make out any  
5 words he was saying after the shooting?

6 A. I didn't hear any words from him.

7 Q. Did you see Mr. Maccani in physical contact  
8 with anyone at the time you fired?

9 A. Yes.

10 Q. Who was he in physical contact with?

11 A. Officer Desiree.

12 Q. And what part of her body was he in physical  
13 contact with, if you know?

14 A. Her arm, chest area, roughly.

15 Q. And what part of Mr. Maccani's body was in  
16 physical contact with that part of Officer Desiree?

17 A. Well, his hands and body, he -- it was sort of  
18 a body slam that he did on Officer Desiree.

19 Q. Did he take her down to the ground?

20 A. No, he did not.

21 Q. At the time you fired your shot, could you see  
22 the white object?

23 A. No.

24 Q. When was the last time you saw the white object  
25 before firing?

1 A. When he was slamming into the other officer.

2 Q. Which other officer?

3 A. Officer Desiree.

4 Q. You -- you -- in your interview -- you said  
5 that you reviewed that recently?

6 A. Right.

7 Q. Do you recall mentioning several times in your  
8 interview talking about "transients and homeless  
9 people"?

10 A. I do.

11 Q. And do you recall stating that: "Transients  
12 and homeless people sometimes could have weapons"?

13 A. Sure.

14 Q. And do you recall saying: "Transients and  
15 homeless people sometimes have mental health issues"?

16 A. Yes.

17 Q. And you're saying that your impression at the  
18 time is that Mr. Maccani may have been "unhoused"; I  
19 think that's the term you used?

20 A. His appearance gave that impression.

21 Q. And when you say, "unhoused," I think I know  
22 what you mean, but what are you trying to communicate?

23 A. Not having a address, either renting or -- or  
24 living at a residential area. It could be living on  
25 the -- on the street.



1 Q. And do you know when it was turned off,  
2 approximately, after the shooting?

3 A. As in time, how much time elapsed?

4 Q. Yeah. How much time, approximately?

5 A. I would say eight minutes.

6 Q. Did someone tell you to turn it off at some  
7 point?

8 A. Yes.

9 Q. And who was it? Was that a supervisor?

10 A. Correct.

11 Q. Do you think -- if you recall, did you turn it  
12 off after the shooting while you were still on the 4th  
13 Floor or after you went down?

14 A. I believe I was still on the 4th Floor.

15 Q. And at some point before you left the 4th  
16 Floor, you're saying that you saw that white plastic  
17 fork?

18 A. Yes.

19 Q. Did you see -- so you would have seen the white  
20 plastic fork before you gave your public safety  
21 statement?

22 A. Right.

23 Q. And then after going downstairs, giving your  
24 public safety statement, where did you go next?

25 A. Back to Central Division.

1 A. There was no time.

2 Q. And where was this white object the last time  
3 you saw it?

4 A. In his -- clenched in his right hand.

5 Q. And where was his right hand the last time you  
6 saw it, before you fired?

7 A. It was on -- in between -- somewhere in between  
8 him and the -- Officer Desiree's body.

9 Q. Could you actually see his right hand at that  
10 time, or was his body blocking it?

11 A. His -- a better description would be his body  
12 was blocking.

13 Q. So for how long before you fired was his right  
14 hand out of your view?

15 A. Less than a second.

16 Q. Prior to his right hand going out of your view,  
17 before you fired, did you ever see him make a stabbing  
18 motion with that white object?

19 A. No, not necessarily.

20 (Reporter clarification.)

21 BY MR. GALIPO:

22 Q. I think you said, "No, not necessarily." Is  
23 that accurate?

24 A. Yes.

25 Q. So would you at least agree that you did not

1 see Mr. Maccani make a stabbing motion with the white  
2 object before you fired?

3 A. Right.

4 Q. And would you also agree that you could not see  
5 the white object at the moment you fired because it went  
6 out of your view shortly before that?

7 A. Right.

8 Q. In terms of your training at the academy and  
9 during field training as a law enforcement officer, were  
10 you trained to control fear, when you can, and not  
11 overreact?

12 MS. COLEMAN: Objection. Compound and vague.

13 MR. FORD: Join. Incomplete hypothetical.

14 BY MR. GALIPO:

15 Q. Do you recall that training at the academy in  
16 the POST chapters you were going over?

17 A. I don't re- -- remember.

18 Q. In terms of deadly force, were you trained that  
19 deadly force should only be used if there's an immediate  
20 or imminent threat of death or serious bodily injury?

21 A. Yes.

22 Q. And were you trained that deadly force should  
23 only be used when there are no other reasonable options?

24 A. That's accurate.

25 Q. And were you trained in terms of the imminent

1 or immediate threat of death or serious bodily injury,  
2 there has to be an ability, an opportunity, and apparent  
3 intent to immediately cause death or serious bodily  
4 injury?

5 A. Yes, I've been trained on that.

6 Q. And you understand, based on that training,  
7 there has to be all three of those: the ability,  
8 opportunity, and apparent intent?

9 A. Right.

10 Q. Were you trained that subjective fear is  
11 insufficient to use deadly force?

12 A. Right.

13 Q. And were you trained that a verbal warning that  
14 you're going to use deadly force, potentially, should be  
15 given, when feasible?

16 A. Yes.

17 Q. Were you trained that seeing a weapon in  
18 someone's hand, that fact alone, is not enough to use  
19 deadly force; there has to be more?

20 A. Correct.

21 MS. COLEMAN: Objection. Asked and answered.

22 (Reporter clarification.)

23 BY MR. GALIPO:

24 Q. And I think you've already told me this  
25 earlier, but you were trained to give commands, when

1 feasible, and give the person an opportunity to comply  
2 with the commands, when feasible?

3 MS. COLEMAN: Asked and answered.

4 BY MR. GALIPO:

5 Q. Is that correct?

6 A. When feasible, correct. Yes.

7 Q. For how long, altogether, do you think you saw  
8 this white object before you fired?

9 MS. COLEMAN: Calls for speculation.

10 THE WITNESS: Approximately, three -- three to  
11 four seconds.

12 BY MR. GALIPO:

13 Q. Were you looking at this white object  
14 continually from the time you first saw it to the time  
15 it went out of your view, before you fired?

16 A. Yes.

17 Q. And you were aware that all the other officers  
18 there had handguns on them?

19 A. Yes.

20 Q. And obviously with deadly force, you're also  
21 trained to make sure your background and foreground is  
22 clear?

23 A. We are, yes.

24 Q. Does LAPD, during your training, still train on  
25 the reverence for human life?

1 A. It does.

2 Q. Does it still train that deadly force should be  
3 a last resort?

4 A. I'm no longer at the department, so I wouldn't  
5 it know what their newest directive is.

6 Q. When you were there, did they train on that  
7 being a last resort?

8 A. Yes.

9 MR. GALIPO: Okay. I don't think I have any  
10 more questions. I don't know if the other attorneys  
11 have any questions, so we're going to find out.

12 Ty, do you have any questions today?

13 MR. FORD: No.

14 MR. GALIPO: Susan, any questions today?

15 MS. COLEMAN: No.

16 MR. GALIPO: Kimberly --

17 (Simultaneous speakers.)

18 MR. GALIPO: I'm sorry.

19 THE VIDEOGRAPHER: I'm sorry.

20 I was going to say, Kimberly, if you wanted to  
21 get copy orders on record?

22 THE CERTIFIED STENOGRAPHER: Yes.

23 Ms. Coleman, are you ordering a copy?

24 MS. COLEMAN: Yes.

25 THE CERTIFIED STENOGRAPHER: Mr. Ford, are you

1 STATE OF CALIFORNIA)  
2 ) ss:  
3 COUNTY OF BUTTE )

4 I, KIMBERLY E. D'URSO, do hereby certify:

5 That the witness named in the foregoing  
6 deposition was present remotely and duly sworn to testify  
7 to the truth in the within-entitled action on the day and  
8 date and at the time and place therein specified;


9 That the testimony of said witness was reported  
10 by me in shorthand and was thereafter transcribed through  
11 computer-aided transcription;

12 That the foregoing constitutes a full, true and  
13 correct transcript of said deposition and of the  
14 proceedings which took place;

15 Further, that if the foregoing pertains to the  
16 original transcript of a deposition in a federal case,  
17 before completion of the proceedings, review of the  
18 transcript [ ] was [ ] was not requested.

19 That I am a certified stenographic reporter and  
20 a disinterested person to the said action;

21 IN WITNESS WHEREOF, I have hereunder subscribed  
22 my hand this 17th day of November, 2025.

23   
\_\_\_\_\_

24 KIMBERLY D'URSO, CSR NO. 11372, RPR  
25